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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/623,805 | 07/22/2003 | Francois De Gaillard | 028811-23 | 5279 |
| 22204 | 7590 | 03/02/2005 | EXAMINER | |
| NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128 | | | ENGLE, PATRICIA LYNN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3612 | |

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | | |
|-----------------|------------------|--------------|--------------------|
| Application No. | 10/623,805 | Applicant(s) | DE GAILLARD ET AL. |
| Examiner | Patricia L Engle | Art Unit | |
| | | 3612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-21 and 23 is/are rejected.
- 7) Claim(s) 22,24 and 25 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/22/03; 1/30/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 11-17, 20, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Golden (US Patent 6,575,509).

Regarding claims 1, 11, 21 and 23, Golden discloses a cargo support comprising at least a window area (10) frame element (12) and a mounting (18', 18'') for attachment of the frame element (16) at a lower area of a rear window of a motor vehicle (Figs. 5 and 6), said mounting enabling the frame element (16) to be move between a first mounting position (Fig. 1) at least partially framing the rear window of the motor vehicle and a second mounting position (Figs. 2-8) in which the frame is essentially horizontal for supporting a cargo (Fig. 4a).

Regarding claims 2 and 12, Golden discloses the cargo support as claimed in claim 1, wherein the frame element (16) is has a U or bow shape (Figs. 3 and 6-8).

Regarding claims 3 and 13, Golden discloses the cargo support as claimed in claim 2, wherein the mounting (18) is a pivotal mounting (Fig. 2) with hinges for attachment on the vehicle (inherent).

Regarding claims 4 and 14, Golden discloses the cargo support as claimed in claim 2, wherein the frame element (16) is lockable (column 3, line 52) on the vehicle in the first mounting position (Fig. 1).

Regarding claims 5 and 15, Golden discloses the cargo support as claimed in claim 2, wherein the frame element is lockable (column 3, line 52) on the vehicle in the second mounting position.

Regarding claims 6 and 16, Golden discloses the cargo support as claimed in claim 2, wherein mounting comprises a slide mount (Fig. 7 and 8) for enabling the frame element (16) to be pushed into the vehicle.

Regarding claims 7 and 17, Golden discloses the cargo support as claimed in claim 1, wherein the frame element (16) is adapted for being integrated into a body of the vehicle (Fig. 1) in the first mounting position.

Regarding claim 20, Golden discloses the motor vehicle as claimed in claim 11, wherein frame element (16) is adapted to coact with an upper surface of a bumper on the vehicle body for supporting the cargo (Fig. 4).

3. Claims 1, 11, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Storc et al. (US Patent 5,934,727).

Regarding claims 1 and 11, Storc et al. disclose a cargo support comprising at least a window area (28) frame element (30) and a mounting (23) for attachment of the frame element (30) at a lower area of a rear window of a motor vehicle (Fig. 3), said mounting (23) enabling the frame element (30) to be move between a first mounting position (Fig. 1) at least partially framing the rear window of the motor vehicle and a second mounting position (Fig. 3) in which the frame is essentially horizontal for supporting a cargo.

Regarding claim 18, Storc et al. disclose a motor vehicle as claimed in claim 11, further comprising a second frame element (30) and a second frame mounting (23) for attachment of the second frame on the vehicle body for joint use with the window area frame.

Regarding claim 19, Storc et al. disclose a motor vehicle as claimed in claim 11, wherein mounting for the second frame element enables the second frame element to have a first mounting position folded onto (Fig. 1) or recessed into the vehicle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storc et al.

Storc et al. disclose the cargo support of claim 1. Storc et al. also disclose a second frame element and a second mounting for attachment of the second frame on the vehicle for joint use with the window area frame element. Storc et al. do not disclose that the frames have a U-shape. The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to make the frame of the panel (30) of a U-shape. The motivation would have been to provide the panel (30) with rigidity so that the panel could support a load placed thereon. Therefor it would have been obvious to one of ordinary skill to make the cargo support of claims 8, 9 and 10.

Allowable Subject Matter

7. Claims 22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

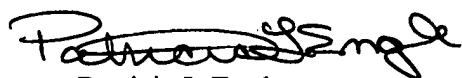
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other frame means for vehicles.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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February 28, 2005